HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
Review Comments Form

Submittal/Document Title:	Programmatic Agreement			Reviewer National Trust for Historic Preservation	

Response Code: A - Agree and will comply   B - Will investigate and comment   C - Clarification needed

Comment No.	Reference	Comment	Responsible Party	Response Code	Response:
1	APE Maps	The document panels within Attachment 1 – APE Maps are dated July 24, 2008. Needs to be updated and revised.			The APE was established in consultation with the Hawaii SHPD prior to determination of eligibility and determination of effect. Neither of those determinations affects the APE. The APE is NOT being revised.
2	APE Maps	Delineate the APE on the map.			The APE Maps have been revised with the historic architecture APE boundary shown with a line, rather than shading so that it is obvious in a black and white print.
3	APE Maps	Delineate the 2,000-ft radius around each station.			The APE Maps have been revised with the historic architecture APE boundary shown with a line, rather than shading so that it is obvious in a black and white print.
4	APE Maps	Illustrate the proposed footprint of the Stations and Related Infrastructure.			The specific footprint of the Project is not relevant to the APE. The APE is defined by the location of project elements, not by the specific footprint.
5	APE Maps	Delineation of the Salt Lake alternative should be removed from the document.			The LPA had not been determined at the time the APE was defined. The Salt Lake alternative was under consideration at the time of the definition of the APE.
6	APE Maps	Maps should be sequenced from west to east.			Maps will continue to follow the sequence established in consultation with the SHPO at the time the APE was defined.
7	APE Maps	Historic district boundaries for the Makalapa housing areas should reflect the ICRMP (2002) as a unified Makalapa historic district.			The SHPD concurred with the proposed historic district boundaries for the Makalapa Housing and Little Makalapa Housing Historic Districts. The Navy has also been copied on all documents and has participated in the consultation process for the Project. At no time were the proposed boundaries disputed. Likewise, these boundaries were included in the *Honolulu High-Capacity Transit Corridor Project Historic Resources Technical Report (2008)* and *Honolulu High-Capacity Transit Corridor Project Historic Effects Report (2009),* which were distributed to all consulting parties. None of the consulting parties expressed disagreement with the boundaries for these or any resources.

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8	Document and Determinations	The Project will cause an "Adverse Effect" on the unified Makalapa historic district. Documentation should be changed to reflect this.			The boundary proposed by NTHP is not included on the register. The SHPD approved the boundaries included in the APE maps as appropriate for proposed eligibility. Currently, the City has determined that there is an adverse effect to the Makalapa Housing Historic District and the SHPD concurred with this determination.
9	Design Language Pattern Guidebook	Has the Guidebook been published? If not, when?			The Design Pattern Guidebook has been prepared and was distributed to consulting parties during the PA development process.
10	Design Language Pattern Guidebook	The Stipulation should explain the relationship between the *Guidebook* and the design workshops.			There is no relationship.
11	Design Language Pattern Guidebook	If the *Guidebook* is supposed to be prepared after design workshops are completed, then the PA should explain how the *Guidebook* would be used to influence the preliminary engineering design plans.			See above.
12	Design Review	More detail is needed regarding who will make the determination regarding consistency with the *Standards*, how disputes will be resolved, and what kind of "treatment" measures will be adopted to address the resulting adverse effects (i.e. to minimize and mitigate harm, since the adverse effect will not be avoided).			Dispute resolution is defined in the Administrative Stipulation, which was prepared by the ACHP.

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13	Monitoring City Permits	Add Monitoring permit applications for major alterations, in addition to demolition permits, since transit-generated projects involving adverse effects to historic properties would not be limited to those involving complete demolition.			The demolition review provision has been revised per input during the final consultation meeting. The proposed additional issues were considered, discussed, and determined not to be practical for implementation.
14	Monitoring City Permits	Notice of permit applications at the time of filing with the City, so that consulting parties can use the City's existing land use review process to influence the outcome of the permit decision, rather than simply waiting for after-the-fact notification, when it's too late to avoid or minimize the adverse effect.			See above.
15	Monitoring City Permits	Consultation regarding the issue of whether the permit application is related to or caused by the transit project, with an opportunity to resort to dispute resolution procedures in the event of a disagreement regarding causation or the treatment plan.			Dispute resolution is defined in the Administrative Stipulation. See above.
16	Monitoring City Permits	Propose including alternation permits as part of the ongoing notice requirement to consulting parties, but not as part of the quantitative analysis that would trigger mandatory consultation.			See above.

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17	Stipulation IV. Design Standards A.	Change to read: *The City shall prepare a draft Design Language Pattern Guidebook, and distribute to all consulting parties, who will have 30 days to comment on the draft. The City shall take into account all comments received in preparing the final Guidebook, which will be completed prior to [WHEN}. The City shall follow the standards set forth in the Project's Design Language Pattern Guidebook, as appropriate, for all Project elements. For stations within the boundary of or adjacent to an eligible or listed historic property, the City shall be guided by The Secretary of the Interiors' Standards for the Treatment of Historic Properties contained in 36 CFR 68 and will make every effort to avoid adverse effects to all historic properties. If the SHPD determines that the Standards have not been met, the City shall convene the consulting parties to develop a treatment plan, prior to final design, for the project element that is inconsistent with the Standards, to minimize and mitigate harm to historic properties. In the event*			See discussion above related to Design Language Pattern Guidebook.

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		that the parties are not able to agree on a treatment plan, or on whether the Secretary's Standards have been met, the parties may invoke the dispute resolution clauses in Stipulations XII.C and / or XIII.B.			
18	Stipulation IV Design Standards B.	Change to read: *The City shall conduct a minimum of two neighborhood design workshops for each grouping of no more than three or four stations. The City shall notify all consulting parties at least two weeks prior to each workshop and consider any comments received when preparing the station design.*			Intent remains the same, no change made.
19	Stipulation IV Design Standards B.	Since the City has already conducted both design workshops for the first three "groupings'… and is about to hold the final design workshop for Pearlridge, shouldn't this be reflected in a Whereas clause?			Not needed.
20	Stipulation IV Design Standards C	Change to read: *After the two design workshops, the City shall provide Preliminary Engineering design plans of built components of the project, such as stations, guideway, and directly related project infrastructure improvements, such as parking*			Preliminary engineering plans will be provided when they have been prepared. They will not immediately follow design workshops. Otherwise, the general intent of the comment is already included.

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		lots, pedestrian access, utilities, etc., to the signatories and consulting parties for review and comment. For stations within boundaries of or directly adjacent to listed or eligible historic properties, the City shall also provide plans during the Final Design phase. The signatory and consulting parties shall provide the City with comments on the plans within 30 days of receipt, unless the SHPD seeks an extension of time as provided by law. The City shall consider all comments provided by the signatory and consulting parties when completing preliminary engineering design plans and final design plans.			
21	IX. Measures to Address Reasonable Foreseeable Indirect and Cumulative Effects Caused by the Project C.	Change to read: *To examine Project impacts related to development along the Project corridor, the City and the consulting parties shall monitor the proposed demolition and substantial alteration of resources built before 1969 within the APE and within a 2000-ft radius of each station.*			This stipulation was re-worded based on input during the final consulting parties meeting.
22	IX. Measures to Address	Change to read: *The City shall notify the consulting parties within*			Based on the City's permit process, this is not practical.

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	Reasonable Foreseeable Indirect and Cumulative Effects Caused by the Project C. 1.	*15 days of any permit application(s) being filed with the City, for any pre-1969 property within the APE and the 2,000-ft radius, which would affect any of the following: demolition; exterior alteration; alterations to building footprint; alterations to massing; and alterations to doors and/or windows.*			
23	IX. Measures to Address Reasonable Foreseeable Indirect and Cumulative Effects Caused by the Project C.2.	Change to read: *The City shall establish a baseline for demolitions by calculating an annual average and standard deviation of demolitions that occurred within these areas between 2005 and 2008. The City shall include this baseline data in the second six-month report submitted pursuant to Stipulation XIII.D.2. Thereafter, each six-month period report shall include specific information on the location of all pre-1969 properties for which demolition permits have been filed during the six-month period within the APE and the 2,000-ft radius.*			The intent is consistent with the existing language, which will remain in place.
24	IX. Measures to Address Reasonable Foreseeable	Identification of these historic properties is the legal responsibility of the FTA and the City. The SHPO should review			The SHPD is ONLY providing information on currently listed and/or eligible properties. The SHPD is not completing additional determinations. The FTA and City have no responsibility to identify historic properties outside of the

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	Indirect and Cumulative Effects Caused by the Project C.3.	the agencies' determinations, but should not be saddled with doing their work in the first instance. Change to read: *The City shall also compile and distribute to the consulting parties location information on eligible or listed historic properties within the 2,000-foot radius of each station location and include this information with the first six-month report submitted pursuant to Stipulation XIII.D.2.*			project APE.	
25	IX. Measures to Address Reasonable Foreseeable Indirect and Cumulative Effects Caused by the Project C.4.	Change to read: *If a permit is submitted for the demolition of any historic property previously listed in or determined eligible for listing in the NRHP, or if in any year the total number of demolition permits for eligible resources within the APE and resources within the station areas that were built before 1969 is greater than one standard deviation above the established average., the City shall convene the consulting parties within 30 days (but with at least seven days' notice) to determine whether the proposed demolitions are directly related to development or rezoning*			This stipulation was re-worded based on input from all consulting parties during the final consultation meeting.	

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		pressures resulting from the Project. If the parties agree that the proposed demolition is related to or induced by the Project, the consulting parties shall develop and implement a plan that would minimize and mitigate harm to historic properties and enhance their protection. If the consulting parties are unable to agree on either the cause of the proposed demolition or the plan developed in response to the demolition permit, the parties may invoke the dispute resolution clauses of Stipulations XII.C. and/or XIII.B. This is necessary because the current draft does not include a process for making this determination or who has the final say. Disagreements could occur over this issue, which would need a clear procedure for resolution.			
26	XIII. Administrative Provisions C. 1.	Change to say: *This PA shall take effect on the date it is singed by the last signatory and shall be in effect until December 31, 2021 or terminated pursuant to Stipulation XIII,H. [Add ACHP LANGUAGE RE POTENTIAL FOR EXTENSION]* The 2021 date is proposed to			Language was revised per ACHP guidance.

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		correspond with the duration of the Historic Preservation Committee in Stipulation IX.B. (i.e. 3 years after the completion of construction.)			
27	Historic Hawaii Foundation's Comments	We support the request of the Historic Hawaii Foundation in an e-mail to FTA dated November 17, 2009, for a more thoughtful response to its comments on the previous draft PA. We agree that the City's response was surprisingly dismissive, in light of HHF's history of constructive consultation in this undertaking.			HHF's comments were not dismissed. Each comment was discussed and considered. As shown on the matrix, some comments were in conflict with ideas and/or language suggested by other consulting parties. Other comments were considered, but the City is not able to include them as part of the PA.